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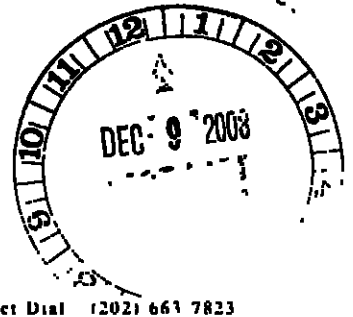
# BAKER & MILLER PLLC

ATTORNEYS and COUNSELORS  
2401 PENNSYLVANIA AVENUE NW  
SUITE 300  
WASHINGTON DC 20037

TELEPHONE (202) 663 7820  
FACSIMILE (202) 663 7849

William A. Mullins  
E-Mail [w.mullins@bakerandmiller.com](mailto:w.mullins@bakerandmiller.com)

Direct Dial (202) 663 7823



December 9, 2008

## VIA HAND DELIVERY

The Honorable Anne K. Quinlan, Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re Finance Docket No. 35163  
*Kansas City Southern, The Kansas City Southern Railway Company, and The  
Texas Mexican Railway Company - Exemption For Transactions Within A  
Corporate Family*

Dear Acting Secretary Quinlan:

Yesterday, the Kansas City Southern ("KCS"), The Kansas City Southern Railway Company ("KCSR"), and The Texas Mexican Railway Company ("Tex Mex") filed a Notice of Exemption ("Notice") under 49 CFR 1180.2(d)(3) seeking an exemption from the prior approval and authorization requirements governing a transaction within the KCS corporate family. The filed original Notice did not contain the original verification signature or the original signature page for the lease agreement. Enclosed, you will find the originals for both pages.

Also, please note that the proposed consummation date was listed as January 5, 2009. KCS understands that because the Notice was not filed until yesterday, the transaction cannot be consummated until January 7, 2009, at the earliest. KCS hereby informs the Board that it will not consummate the transaction until or after January 7, 2009.

If there are any further questions concerning the Notice, please contact me by telephone at (202) 663-7823 or by e-mail at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Sincerely,

ENTERED  
Office of Proceedings

DEC 9 - 2008

Part of  
Public Record

Enclosures

William A. Mullins

VERIFICATION

/

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF JACKSON    )

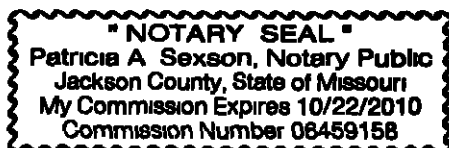
Larry M Lawrence, being duly sworn, deposes and says that he is Executive Vice President & Assistant to Chairman of Kansas City Southern, and that he has read the foregoing Notice of Exemption, knows the contents thereof, and that the same are true as stated to the best of his knowledge, information, and belief

  
Larry M Lawrence

Subscribed and sworn to before me this 8th day of December, 2008

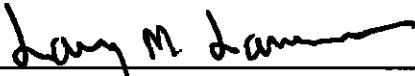
  
Notary Public

My Commission expires \_\_\_\_\_.



**IN WITNESS WHEREOF**, the parties hereto have caused this Lease to be duly executed

**THE KANSAS CITY SOUTHERN RAILWAY  
COMPANY**

  
\_\_\_\_\_  
By Larry M. Lawrence  
Title: Executive Vice President

**THE TEXAS MEXICAN RAILWAY COMPANY**

  
\_\_\_\_\_  
By: Paul Weyandt  
Title Senior Vice President